IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 1ST DECEMBER 2006 / 10TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 3975 of 2006()

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CRA.492/2005 of THE ADDL. DISTRICT AND SESSIONS JUDGE,
FAST TRACK (ADHOC-II) KOZHIKODE
ST.13/2005 of THE SPECIAL JUDICIAL FIRST CLASS MAGISTRATE (MARAD CASES)
KOZHIKODE

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REVN. PETITIONER/APPELLANT/ACCUSED:

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V.P. KUNHAMMAD, PAINGALIL HOUSE,
POOLAKKADAVU, P.O.MARIKUNNU, CALICUT.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS: COMPLAINANT AND STATE

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1. M/S.STATE BANK OF INDIA,
   P.B. DIVISION BRANCH, CALICUT,
   REPRESENTED BY ITS CHIEF MANAGER.

2. STATE OF KERALA, REPRESENTED BY
   THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 01/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**K.T.SANKARAN, J**

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Crl. R.P. No.3975 of 2006

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Dated this the 1st day of December, 2006

**ORDER**

In the manner in which I propose to dispose of the revision. I do not think that it is necessary to issue notice to the first respondent/complainant as the conviction and sentence are not being interfered with.

2. The petitioner was found guilty for the offence under Section 138 of the Negotiable Instruments Act and he was sentenced to undergo simple imprisonment for a period of three months and was directed to pay a sum of Rs.75,000/- as compensation to the complainant and in default of payment of compensation, to undergo simple imprisonment for one month. On appeal, the appellate court confirmed the conviction but reduced the sentence as imprisonment till the rising of the court. The direction to pay the compensation was confirmed by the appellate court.

3. The learned counsel for the petitioner submitted that, in the facts and circumstances of the case, the petitioner may be

granted four months' time to pay the compensation amount. It is submitted that the petitioner would not be able to raise funds to pay the compensation amount immediately and the result would be that he would have to undergo imprisonment. Taking note of the facts and circumstances of the case, I am inclined to grant three months' time to the petitioner to pay the compensation amount.

In the result, this Crl.R.P. is dismissed and the conviction and sentence as imposed by the appellate court are confirmed. However, the petitioner is granted three months' time to pay the compensation amount. The default sentence shall be kept in abeyance for three months.

**K.T.SANKARAN,**
**JUDGE**

csl